

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Case No. 3:01cr1.1
	§	(Judge Schell/Judge Bush)
ANTHONY LANCE STOCKTON	§	

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. The Court conducted a hearing on January 11, 2007, to determine whether the Defendant violated his supervised release. The Defendant was represented by Robert Arrambide and the Government was represented by Randall Blake.

On June 26, 2001, the Defendant was sentenced by the Honorable Judge Richard A. Schell to twenty-four (24) months imprisonment followed by a three (3) year term of supervised release for the offense of Felony in Possession of a Firearm. On September 2, 2005, the Defendant completed his period of imprisonment and began service of his supervised term.

On November 20, 2006, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision. The petition asserted that Defendant violated the following conditions: (1) Defendant shall refrain from unlawful use of a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance;

and (3) Defendant shall participate in a program of testing and treatment for drug abuse as directed by the probation officer until such time as the defendant is released from the program by the probation officer.

The petition alleges that the Defendant committed the following acts: (1) Defendant submitted urine specimens on December 6, 2005, October 23, 2006, and November 7, 2007, which tested positive for cocaine; (2) On November 7, 2006, Defendant admitted to using cocaine on November 3, 2007; and (3) Defendant failed to attend drug aftercare counseling at NETCADA in Paris, Texas, and failed to submit urine specimens on July 26, 2006, and October 16, 2006. Prior to the Government putting on its case, the Defendant entered a plea of true to all violations. The Court therefore finds that Defendant's supervised release should be revoked.

RECOMMENDATION

The Court recommends that the District Court revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months, with no supervised release to follow.

SIGNED this 11 day of Feb, 2007.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE